



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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**MINUTES**  
**APRIL 13, 2010**

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The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Alan Kovacs, Robert Melillo, Gary Renz, Terry Tierney and Alternates Elmer Palma and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent were Ted Farah, Richard P. Jowdy, Walter Hoo and Alternate Thomas Spegnolo.

Mr. Venuti led the Commission in the Pledge of Allegiance.

Chairman Melillo appointed Mr. Palma to take Mr. Farah's place and Mr. Venuti to take Mr. Hoo's place for the items on tonight's agenda.

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Mr. Haddad made a motion to table the acceptance of the March 23, 2010 minutes. Mr. Palma seconded the motion and it was passed unanimously.

Chairman Melillo said they would waive the Pledge of Allegiance this evening since they were in Conference Room 3C which has no flag.

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**PUBLIC HEARING:**

**7:30 PM - Petition of Jose Villa d/b/a Tienda Ecuador, 72 Lake Ave. (#G15124) for Special Permit for Grocery Beer.**

John Hanna said Mr. Villa's English is not that good so he would speak for him. Mr. Villa has been his tenant since 2001 and works many long hours at his store. The store carries a lot of grocery items and is very well stocked. Mr. Villa's business can survive without beer, but the customers keep asking him to sell it. He also has a small bakery in back of store. He just wants to keep his customers satisfied. Chairman Melillo asked the actual square footage of the store. Mr. Hanna said the whole building is 3,400 sq. ft. and Mr. Villa's business occupies half of that; approximately 1,700 sq.ft. Chairman Melillo questioned the discrepancy as the lease submitted with the petition only said 750 sq.ft. Mr. Hanna explained that was the original lease; after the first year, he expanded the store and took on the additional space. There were no questions from the Commission members. A man who identified himself as Mr. Villa's brother asked why Danbury does not limit how many stores can sell certain items. Mr. Haddad said that would be restraint of trade and they cannot do that. Mr. Villa's brother said he owns a grocery business in New Milford and they do that there. He explained that there has to be a certain distance between stores selling milk or beer. Chairman Melillo said

each town has their own laws, but Danbury does not have anything like that. He added that sale of alcoholic beverages is governed by the State.

Chairman Melillo asked if there was anyone to speak in opposition to this and there was no one.

Mr. Elpern reminded the Commission of the criteria necessary for approval of a Special Permit as listed in Sec. 3.F.2. of the Zoning Regulations.

Mr. DiCaprio made a motion to close the public hearing. Mr. Haddad seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to number one under the Old Business on tonight's agenda. Mr. Palma seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Jose Villa d/b/a Tienda Ecuador, 72 Lake Ave. (#G15124) for Special Permit for Grocery Beer.

Chairman Melillo said they had just heard this petition this evening. He asked if there were any questions or comments from the Commission members and there were none. Mr. DiCaprio then made a motion to approve this petition for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Palma seconded the motion and it was passed unanimously with eight AYES (from Mr. DiCaprio, Mr. Haddad, Mr. Kovacs, Chairman Melillo, Mr. Renz, Mr. Tierney, Mr. Palma and Mr. Venuti).

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NEW BUSINESS:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 7.A. & 11.B.4.(d) of the Zoning Regulations. (Revise Floodplain Regulations per DEP mandate) *Public hearing scheduled for May 11, 2010.*

Petition of E.W. Batista, Family Limited Partnership, 155 South St. (#J15048) for Change of Zone from RMF-4 to C-CBD. *Public hearing scheduled for May 25, 2010.*

Mr. Haddad made a motion to refer both of these petitions to the Planning Commission for a recommendation. Mr. Kovacs seconded the motion and it was passed unanimously.

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There was nothing under New Business, Correspondence or For Reference Only. Chairman Melillo asked if there was anything to discuss under other matters and there was nothing. At 8:30 PM with no further business to discuss, Mr. Haddad made a motion to adjourn. Mr. Palma seconded the motion and it was passed unanimously.